

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

ROBERT NELSON

(b) County of Residence of First Listed Plaintiff _____

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

DEFENDANTS

NCO FINANCIAL SYSTEMS, INC.

County of Residence of First Listed Defendant _____

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C SECTION 1692

Brief description of cause:

Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

09/28/2012

/s/ CRAIG THOR KIMMEL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

ROBERT NELSON	:	CIVIL ACTION
	:	
v.	:	
	:	NO.
NCO FINANCIAL SYSTEMS, INC.	:	
	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

09/28/2012
Date

Craig Thor Kimmel
Attorney-at-law

Plaintiff, Robert Nelson
Attorney for

215-540-8888
Telephone

877-788-2864
FAX Number

kimmel@creditlaw.com
E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 364 S. 98TH ST., MESA, AZ 85208

Address of Defendant: 507 PRUDENTIAL RD., HORSHAM, PA 19044

Place of Accident, Incident or Transaction: _____

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
- 2. ☐ FELA
- 3. ☐ Jones Act-Personal Injury
- 4. ☐ Antitrust
- 5. ☐ Patent
- 6. ☐ Labor-Management Relations
- 7. ☐ Civil Rights
- 8. ☐ Habeas Corpus
- 9. ☐ Securities Act(s) Cases
- 10. ☐ Social Security Review Cases
- 11. ☒ All other Federal Question Cases
(Please specify) 15 U.S.C. § 1692

B. Diversity Jurisdiction Cases:

- 1. ☐ Insurance Contract and Other Contracts
- 2. ☐ Airplane Personal Injury
- 3. ☐ Assault, Defamation
- 4. ☐ Marine Personal Injury
- 5. ☐ Motor Vehicle Personal Injury
- 6. ☐ Other Personal Injury (Please specify)
- 7. ☐ Products Liability
- 8. ☐ Products Liability — Asbestos
- 9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Thor Kimmel, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 09/28/12

/s/ Craig Thor Kimmel
Attorney-at-Law

57100
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 09/28/12

/s/ Craig Thor Kimmel
Attorney-at-Law

57100
Attorney I.D.#

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT NELSON,)	
)	
Plaintiff)	
)	Case No.:
v.)	
)	COMPLAINT AND DEMAND FOR
NCO FINANCIAL SYSTEMS, INC.,)	JURY TRIAL
)	
Defendant)	(Unlawful Debt Collection Practices)

COMPLAINT

ROBERT NELSON (“Plaintiff”), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business and has its corporate headquarters in the Commonwealth of Pennsylvania and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

PARTIES

5. Plaintiff is a natural person residing in Mesa, Arizona 85208.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692a(3).

7. Defendant is a national debt collection company with its corporate headquarters located at 507 Prudential Road, Horsham, Pennsylvania 19044.

8. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. At all pertinent times hereto, Defendant was hired to collect a consumer debt and attempted to collect that debt from Plaintiff.

11. Defendant collects, and attempts to collect, debts incurred, or alleged to have been incurred, for personal, family, or household purposes on behalf of creditors using the U.S. Mail, telephone and/or internet.

12. The debt Defendant was seeking to collect, a Great Lakes student loan, arose out of transactions that were primarily for personal, family, or household purposes.

13. Beginning in June 2012, and continuing through July 9, 2012, Defendant continuously and repeatedly contacted Plaintiff on his cellular and work telephones seeking and demanding payment for an alleged debt in the amount of \$40,000.00.

14. During the relevant period, Defendant called Plaintiff’s cellular and work telephones approximately one (1) to two (2) times a day.

15. Plaintiff knew that it was NCO Financial calling because Defendant’s collectors

1 confirmed this and because Plaintiff's cellular phone caller-id indicated "NCO Financial" when
2 calls were received. Plaintiff saved the number in his contacts list for future reference.
3 Thereafter, Plaintiff noted Defendant's name appear on many incoming calls.

4 16. On June 19, 2012, Plaintiff contacted Defendant to resolve the matter and stop
5 the collection calls, but all proposals were refused. Defendant instead demanded his personal
6 financial information, including bank account information, his salary, and his pay schedule, as a
7 condition precedent to resolving the matter. Defendant threatened further to send his account to
8 its "garnishment department" if Plaintiff refused to "work with" the collector.
9

10 17. Upon information and belief, Defendant did not intend to take such action at the
11 time it made this threat; but threatened garnishment in aid of intimidating Plaintiff or creating a
12 sense of anxiety within him to advance the payment of the alleged debt on its terms.

13 18. Defendant demanded payment of \$40,000.00, an amount Plaintiff disputed, and
14 which it is averred was not the actual amount due. Plaintiff further alleges that the difference
15 between the amount demanded and the amount allegedly, was at least \$8,000.00.

16 19. When questioned about the disparity in numbers demanded versus the amount of
17 Plaintiff understood the alleged debt to actually be, Defendant's collector stated that there was
18 \$8,000.00 due for "fees", refusing to provide any details as to how that large, round figure was
19 determined or under what contractual language it was claimed.
20

21 20. Defendant utilized the placement of calls to Plaintiff's work telephone on a daily
22 basis in attempts to collect the alleged debt.

23 21. During one conversation with Plaintiff's co-worker, Defendant's collector
24 deceptively stated that the work telephone was the only contact number on file for Plaintiff,
25 when Defendant had repeatedly communicated with Plaintiff directly by calling his cellular

1 phone.

2 22. Defendant in fact called Plaintiff's cellular telephone number on numerous dates,
3 including but not necessarily limited to: June 19, 2012, at 2:17 p.m.; June 21, 2012, at 1:33 p.m.;
4 June 22, 2012, at 10:22 a.m. and 2:25 p.m.; June 25, 2012, at 1:17 p.m.; June 26, 2012, at 5:16
5 p.m.; June 27, 2012, at 4:49 p.m.; June 28, 2012, at 1:08 p.m.; June 29, 2012, at 8:12 a.m.; July
6 2, 2012, at 10:24 a.m.; July 3, 2012, at 3:44 p.m.; July 5, 2012, at 12:27 p.m.; and July 9, 2012,
7 at 12:19 p.m. and 1:02 p.m.

8 23. Defendant's statement in furtherance of collecting a consumer debt was false and
9 misleading.
10

11 24. A debt collector may not make any statement that is deceptive or misleading.

12 25. In light of its deceptive representation, it is believed and averred that Defendant
13 contacted Plaintiff at his work place with the intent to cause embarrassment and harassment to
14 Plaintiff in ways and using methods which were calculated to increase its chances of obtaining
15 payment.

16 26. Thereafter, Defendant was instructed to stop calling the work telephone number as
17 it was inconvenient for him to receive such calls and because they were not permitted.
18 Defendant disregarded the directive not to call and persisted, further revealing its intent to
19 embarrass, annoy and harass Plaintiff.
20

21 27. The receptionist at Plaintiff's workplace became annoyed with the frequency of
22 Defendant's collection calls and sent a message to Plaintiff on June 22, 2012, stating:
23 "'Somebody' keeps calling here with a # of 888-475-6741 asking for you. I'm not putting the
24 call thru nor am I bothering to take a message. They've called every day this week."

25 28. Defendant continuously and repeatedly contacted the work place knowing that it

1 was inconvenient for Plaintiff to receive collection calls there, with the intent to harass Plaintiff.

2 29. Upon information and belief, Defendant contacted Plaintiff on a repetitive and
3 continuous basis with the intent of harassing Plaintiff into paying this debt.

4 **DEFENDANT VIOLATED THE**
5 **FAIR DEBT COLLECTION PRACTICES ACT**

6 **COUNT I**

7 30. Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C.
8 §1692c(a)(3).

9 a. A debt collector violates §1692c(a)(3) of the FDCPA by communicating with a
10 consumer in connection with the collection of any debt at the consumer's place of
11 employment if the debt collector knows or has reason to know that the
12 consumer's employer prohibits the consumer from receiving such
13 communication.

14 b. Defendant violated §1692c(a)(3) of the FDCPA when it communicated with
15 Plaintiff in its attempts to collect a debt at his place of employment, despite
16 having knowledge that Plaintiff was not allowed to receive personal calls at work.
17

18 **COUNT II**

19 31. Defendant's conduct, as detailed in the preceding paragraphs, violated 15 U.S.C.
20 §§1692d and 1692d(5).

21 a. A debt collector violates §1692d of the FDCPA by engaging in conduct of
22 the natural consequence of which is to harass, oppress, or abuse any person in
23 connection with the collection of a debt.

24 b. A debt collector violates §1692d(5) of the FDCPA by causing a telephone to
25 ring or engaging any person in telephone conversation repeatedly or

1 continuously with the intent to annoy, abuse, or harass any person at the called
2 number.

- 3 c. Here, Defendant violated §§1692d and 1692d(5) of the FDCPA by
4 continuously calling Plaintiff's cellular and work telephones on average one
5 (1) to two (2) times a day, with the intent to annoy, abuse, and harass
6 Plaintiff.

7
8 **COUNT III**

9 32. Defendant's conduct, as detailed in the preceding paragraphs, violated 15 U.S.C.
10 §§1692e, 1692e(2), and 1692e(4) of the FDCPA.

- 11 a. A debt collector violates §1692e of the FDCPA by using false, deceptive or
12 misleading representations or means in connection with the collection of any
13 debt.
- 14 b. A debt collector violates §1692e(2)(A) of the FDCPA by falsely representing
15 the character, amount or legal status of any debt.
- 16 c. A debt collector violates §1692e(4) of the FDCPA by falsely representing or
17 implying that nonpayment of any debt will result in the garnishment of any
18 property or wages of any person unless such action is lawful and the debt
19 collector or creditor intends to take such action.
- 20 d. Section 1692e(10) of the FDCPA prohibits debt collectors from using any
21 false representations or deceptive means to collect or attempt to collect any
22 debt or to obtain information concerning a consumer.
- 23 e. Here, Defendant violated §§1692e and 1692e(2) of the FDCPA by falsely
24 representing the amount of the debt allegedly owed by Plaintiff.
25

1 f. Also, Defendant violated §§1692e and 1692e(4) of the FDCPA by threatening
2 to send Plaintiff's account to the garnishment department if he did not "work
3 with it," when Defendant had not intentions to garnish Plaintiff's wages.

4 g. Lastly, Defendant violated §§1692e and 1692e(10) of the FDCPA by falsely
5 stating to Plaintiff's co-worker that Defendant only possessed Plaintiff's work
6 telephone number, when it also had his cellular telephone and had been
7 calling his cellular telephone.

8
9 **COUNT IV**

10 33. Defendant's conduct, as detailed in the preceding paragraphs, violated 15 U.S.C.
11 §§1692f and 1692f(1) of the FDCPA.

12 a. A debt collector violates §1692f of the FDCPA by using unfair or
13 unconscionable means to collect or attempt to collect any debt.

14 b. A debt collector violates §1692f(1) of the FDCPA by collecting an amount
15 (including any interest, fee, charge, or expense incidental to the principal
16 obligation) unless such amount is expressly authorized by the agreement
17 creating the debt or permitted by law.

18 c. Here, Defendant violated §§1692f and 1692f(1) of the FDCPA engaging in
19 other unfair and unconscionable debt collection practices, including seeking to
20 collect an amount more than that owed by Plaintiff and information about
21 Plaintiff's personal finances.
22
23
24
25

1 WHEREFORE, Plaintiff, ROBERT NELSON, respectfully prays for a judgment as
2 follows:

- 3 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
4 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to
5 15 U.S.C. § 1692k(a)(2)(A);
6 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
7 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
8 d. Any other relief deemed appropriate by this Honorable Court.
9

10 **DEMAND FOR JURY TRIAL**

11 PLEASE TAKE NOTICE that Plaintiff, ROBERT NELSON, demands a jury trial in this
12 case.
13

14 RESPECTFULLY SUBMITTED,

15 Date: 09/28/2012

16 By: /s/ Craig Thor Kimmel
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